

AMENDED IN ASSEMBLY JUNE 23, 2003

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 8, 2003

**SENATE BILL**

**No. 833**

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**Introduced by Senator Machado**

February 21, 2003

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An act to add Section 6533 to the Government Code ~~and to amend Section 1011.5 of~~, *and to amend Section 1220 of*, *and to amend and repeal Section 1011.5 of*, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Machado. Eastern Water Alliance Joint Powers Agency.

(1) Existing law authorizes public agencies to enter into joint powers agreements.

This bill would authorize the Eastern Water Alliance Joint Powers Agency to grant funds to a member public agency for the purposes of assisting that member public agency in acquiring water if the board of directors determines that water supply will benefit the ~~groundwater basin~~ *Eastern San Joaquin County Groundwater Basin* as a whole and that member public agency would otherwise be unable to acquire that water. The bill would authorize the Board of Supervisors of San Joaquin County to grant to the joint powers agency funds from the county general fund or Zone 2 of the San Joaquin County Flood Control and Water Conservation District that are available to carry out any purposes

of the joint powers agency for which the county or *the* district is authorized to expend funds.

The bill would authorize the joint powers agency to impose annually a plan implementation charge on landowners within its boundaries for the property related service received from improved groundwater management and planning, and for improved groundwater levels and availability, provided by the joint powers agency ~~for the purposes of initiating, carrying out, and completing the powers, projects, and purposes of the joint powers agency.~~ The bill would provide for the collection of the charge, at the option of the joint powers agency, by the county or the joint powers agency. Because the bill would authorize the joint powers agency to establish collection duties on the county to collect the charge, the bill would impose a state-mandated local program.

(2) Existing law declares that when a holder of an appropriative right fails to use water as a result of conjunctive use of surface water and groundwater involving the substitution of an alternative supply for the unused portion of the surface water, any cessation of use of that appropriated water is deemed to be a reasonable and beneficial use of water to the extent of that cessation and to the extent that the appropriated water is put to reasonable and beneficial use. Existing law, until January 1, 2007, authorizes the substitution of the alternate supply, for the purposes of that provision, to be made from the Eastern San Joaquin County *Groundwater* Basin if certain requirements are met.

This bill would *revise those requirements and would make that provision relating to the Eastern San Joaquin County Groundwater Basin, as revised, operative indefinitely.*

(3) *Existing law prohibits the pumping for export of groundwater from within the Sacramento and Delta-Central Sierra Basins unless the pumping is in compliance with a groundwater management plan that meets certain requirements.*

*This bill would provide that that provision does not apply to pumping for export from the Eastern San Joaquin County Groundwater Basin pursuant to a permit issued by San Joaquin County.*

(4) The bill would declare that, due to the unique circumstances pertaining to the Eastern Water Alliance Joint Powers Agency that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

(4)



(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The problems associated with providing for the  
4 management of the Eastern San Joaquin County Groundwater  
5 Basin and the related provision of supplemental water supplies are  
6 peculiar to that area and public agencies overlying that basin have  
7 joined together to form the Eastern Water Alliance Joint Powers  
8 Agency.

9 (b) Legislation is needed to supplement the existing authority  
10 of member public agencies to allow the Eastern Water Alliance  
11 Joint Powers Agency to exercise powers to coordinate efforts to  
12 replenish and manage that critically overdrafted basin.

13 (c) With additional powers granted by the enactment of the act  
14 adding this section, the Eastern Water Alliance Joint Powers  
15 Agency will be able to do, among other things, all of the following:

16 (1) Provide opportunity for economic development within San  
17 Joaquin County by securing reliable future water supplies.

18 (2) Protect the natural resources within its boundaries and  
19 restore and enhance the environment, including the long-term  
20 protection of the basin.

21 (3) Develop and adopt a master plan designed to balance the use  
22 and enhancement of the basin through conjunctive management.

23 (4) Prepare a joint groundwater management plan for the  
24 member public agencies.

25 (5) Secure new and protect existing surface water rights  
26 required by its member public agencies for the implementation of  
27 the master plan.

28 (6) Apply for and obtain financing to proceed with projects  
29 identified in the master plan.



1 (7) Provide assistance to, supervise the construction of, and  
2 manage the operation of, facilities identified in the master plan for  
3 the benefit of the property owners and residents of member public  
4 agencies.

5 (8) Develop and manage a groundwater bank in accordance  
6 with the master plan.

7 SEC. 2. Section 6533 is added to the Government Code, to  
8 read:

9 ~~6533. (a) Section 1220 of the Water Code does not apply to~~  
10 ~~actions of the Eastern Water Alliance Joint Powers Agency to~~  
11 ~~permit the extraction and exportation of groundwater.~~

12 ~~(b)–~~

13 6533. (a) The board of directors of the Eastern Water  
14 Alliance Joint Powers Agency may grant available funds to a  
15 member public agency for the purposes of assisting that member  
16 public agency in acquiring water if the board determines that that  
17 water supply will benefit the Eastern San Joaquin County  
18 ~~groundwater basin~~ *Groundwater Basin* as a whole and that that  
19 member public agency would otherwise be unable to acquire that  
20 water.

21 ~~(c)–~~

22 (b) For the purpose of supplementing the general operating  
23 revenues of the joint powers agency, upon the request of the board  
24 of directors of the joint powers agency, the Board of Supervisors  
25 of San Joaquin County may grant to the joint powers agency funds  
26 from the county general fund or Zone 2 of the San Joaquin County  
27 Flood Control and Water Conservation District that are available  
28 to carry out any purpose of the joint powers agency for which the  
29 county or district is authorized to expend funds.

30 ~~(d)–~~

31 (c) The joint powers agency shall deposit any county or district  
32 funds received pursuant to subdivision ~~(e)~~ (b) in a separate  
33 account, and upon request of the county or district, shall  
34 demonstrate that all expenditures made from that account are  
35 being used only to carry out the powers, projects, and purposes of  
36 the joint powers agency *and San Joaquin County or Zone 2 of the*  
37 *San Joaquin County Flood Control and Water Conservation*  
38 *District.*

39 ~~(e)–~~



1 (d) Subject to Article XIII D of the California Constitution, the  
2 joint powers agency may impose a plan implementation charge, in  
3 accordance with this subdivision, on landowners within its  
4 boundaries for the property related service received from  
5 improved groundwater management and planning, and for  
6 improved groundwater levels and availability, provided by the  
7 joint powers agency. This plan implementation charge shall be a  
8 charge for water subject to the procedures and requirements set  
9 forth in subdivisions (a) and (b) of Section 6 of Article XIII D of  
10 *the California Constitution*, as follows:

11 (1) Each year the board of directors of the joint powers agency  
12 ~~may fix a plan implementation charge for the purpose of paying the~~  
13 ~~costs of initiating, carrying out, and completing any of its powers,~~  
14 ~~projects, and purposes. Plan implementation charges may not~~  
15 ~~exceed the annual cost of carrying out the powers, projects, and~~  
16 ~~purposes of the joint powers agency. The board of directors may~~  
17 ~~also use multiyear budgeting to determine the plan~~  
18 ~~implementation charges for up to five years and adopt a schedule~~  
19 ~~of charges for this time period.~~

20 ~~(2) Before imposing plan implementation charges, the board of~~  
21 ~~directors of the joint powers agency shall identify the parcels of~~  
22 ~~land within the joint powers agency to be benefited by the powers,~~  
23 ~~projects, and purposes of the joint powers agency, the need for plan~~  
24 ~~implementation charges for the purpose of paying the costs of~~  
25 ~~these powers, projects, and purposes, and the amount of charges~~  
26 ~~to be imposed on each parcel. The amount of the charge upon any~~  
27 ~~parcel may not exceed the proportional cost of the powers,~~  
28 ~~projects, and purposes attributable to the parcel. The~~  
29 ~~may fix a plan~~  
30 ~~implementation charge that may not exceed the annual cost of~~  
31 ~~carrying out the actions financed by the charge. The board of~~  
32 ~~directors may use multiyear budgeting to determine the plan~~  
33 ~~implementation charge for up to five years and adopt a schedule~~  
34 ~~of charges for this time period.~~

35 (2) *Before imposing the plan implementation charge, the board*  
36 *of directors of the joint powers agency shall identify the parcels of*  
37 *land within the joint powers agency to be benefited by the actions*  
38 *financed by the charge, the need for the plan implementation*  
39 *charge, and the amount of the charge to be imposed on each parcel.*  
40 *The amount of the charge upon any parcel may not exceed the*  
*proportional costs of the actions financed by the charge*



1 *attributable to that parcel. The joint powers agency shall provide*  
2 *written notice of the plan implementation charge and conduct a*  
3 *public hearing as provided in subdivision (a) of Section 6 of*  
4 *Article XIII D of the California Constitution. The joint powers*  
5 *agency may not impose the plan implementation charge if written*  
6 *protests against the charge are presented by a majority of the*  
7 *owners of the identified parcels upon which the charge will be*  
8 *imposed.*

9 (3) (A) The plan implementation charge, at the option of the  
10 joint powers agency, may be collected on the tax rolls of the county  
11 in the same manner, by the same persons, and at the same time as,  
12 together with and not separate from, county ad valorem property  
13 taxes. ~~In that event, of the amount collected pursuant to this~~  
14 ~~paragraph, the county auditor may deduct that amount required to~~  
15 ~~reimburse the county for its actual cost of collection.~~

16 (B) In lieu of that option, the joint powers agency shall collect  
17 plan implementation charges at the same time, together with  
18 penalties and interest at the same rates as is prescribed for the  
19 collection of county ad valorem property taxes.

20 (4) The amount of an unpaid plan implementation charge,  
21 together with any penalty and interest thereon, shall constitute a  
22 lien on that land as of the same time and in the same manner as does  
23 the tax lien securing county ad valorem property taxes.

24 (5) In lieu of a plan implementation charge being imposed on  
25 parcels within the boundaries of any individual member public  
26 agency of the joint powers agency, any member of the joint powers  
27 agency may determine by resolution to make payment to the joint  
28 powers agency of funds in an amount equal to the amount that  
29 would be raised by imposition of the plan implementation charge  
30 within the boundaries of that member, to be paid at the same time  
31 that the plan implementation charge would be collected if  
32 imposed.

33 ~~(f)~~

34 (e) For the purposes of this section, “joint powers agency”  
35 means the Eastern Water Alliance Joint Powers Agency.

36 ~~SEC. 3. Section 1011.5 of the Water Code, as added by~~  
37 ~~Section 2 of Chapter 779 of the Statutes of 1992, is amended to~~  
38 ~~read:~~

39 ~~1011.5. (a) The Legislature hereby finds and declares that the~~  
40 ~~growing water needs of the state require the use of water in an~~



1 ~~efficient manner and that the efficient use of water requires~~  
2 ~~certainty in the definition of property rights to the use of water. The~~  
3 ~~Legislature further declares that it is the policy of this state to~~  
4 ~~encourage conjunctive use of surface water and groundwater~~  
5 ~~supplies and to make surface water available for other beneficial~~  
6 ~~uses. The Legislature recognizes that the substantial investments~~  
7 ~~that may be necessary to implement and maintain a conjunctive use~~  
8 ~~program require certainty in the continued right to the use of~~  
9 ~~alternate water supplies.~~

10 ~~(b) When any holder of an appropriative right fails to use all or~~  
11 ~~any part of the water as a result of conjunctive use of surface water~~  
12 ~~and groundwater involving the substitution of an alternate supply~~  
13 ~~for the unused portion of the surface water, any cessation of, or~~  
14 ~~reduction in, the use of the appropriated water shall be deemed~~  
15 ~~equivalent to a reasonable and beneficial use of water to the extent~~  
16 ~~of the cessation of, or reduction in, use, and to the same extent as~~  
17 ~~the appropriated water was put to reasonable and beneficial use by~~  
18 ~~that person. No forfeiture of the appropriative right to the water for~~  
19 ~~which an alternate supply is substituted shall occur upon the lapse~~  
20 ~~of the forfeiture period applicable to water appropriated pursuant~~  
21 ~~to the Water Commission Act or this code or the forfeiture period~~  
22 ~~applicable to water appropriated prior to December 19, 1914.~~

23 ~~The state board may require any holder of an appropriative right~~  
24 ~~who seeks the benefit of this section to file periodic reports~~  
25 ~~describing the extent and amount of the reduction in water use due~~  
26 ~~to substitution of an alternate supply. To the maximum extent~~  
27 ~~possible, the reports shall be made a part of other reports required~~  
28 ~~by the state board relating to the use of water. Failure to file the~~  
29 ~~reports shall deprive the user of water of the benefits of this~~  
30 ~~section.~~

31 ~~(e) (1) For the purposes of this section, and subject to~~  
32 ~~paragraph (2), substitution of an alternate supply may be made~~  
33 ~~only if the extraction of the alternate supply meets all of the~~  
34 ~~following conditions:~~

35 ~~(A) Is from a groundwater basin for which the operating safe~~  
36 ~~yield is not exceeded prior to the extraction of the alternate supply.~~

37 ~~(B) Does not cause the operating safe yield of the groundwater~~  
38 ~~basin from which the alternate supply is obtained to be exceeded.~~

39 ~~(C) Conforms to all requirements imposed pursuant to any~~  
40 ~~adjudication of the groundwater basin.~~



1 ~~(D) Is consistent with any applicable groundwater~~  
2 ~~management plan.~~

3 ~~(E) Is approved by the water supplier whose service area the~~  
4 ~~water is to be transferred from, if the groundwater basin has not~~  
5 ~~been adjudicated or if a groundwater management plan has not~~  
6 ~~been adopted.~~

7 ~~(2) For the purposes of this section, substitution may also be~~  
8 ~~made if the extraction of the alternate supply is from the Eastern~~  
9 ~~San Joaquin County Basin, as described on pages 38 and 39 of the~~  
10 ~~Department of Water Resources Bulletin No. 118-80, for which~~  
11 ~~the operating safe yield is exceeded prior to the extraction of the~~  
12 ~~alternate supply, if all of the following requirements are met:~~

13 ~~(A) The conjunctive use program is operated in accordance~~  
14 ~~with a local groundwater management program that complies with~~  
15 ~~the requirements of this section.~~

16 ~~(B) The groundwater management program establishes~~  
17 ~~requirements for the extraction of groundwater and is approved by~~  
18 ~~a joint powers authority that meets the requirements of~~  
19 ~~subparagraph (C).~~

20 ~~(C) The joint powers authority includes each water agency~~  
21 ~~overlying the contemplated points of groundwater extraction and~~  
22 ~~each water agency that will share in the benefits to be derived from~~  
23 ~~the local groundwater management program.~~

24 ~~(D) By either of the following methods, the overdraft of the~~  
25 ~~groundwater basin underlying the point of extraction has been~~  
26 ~~reduced prior to the commencement of extraction:~~

27 ~~(i) Elimination of a volume of existing groundwater~~  
28 ~~extractions in excess of the proposed new extraction.~~

29 ~~(ii) Recharge of the groundwater basin with a volume of water~~  
30 ~~in excess of the proposed new extraction.~~

31 ~~(E) The operation of that conjunctive use program ensures that~~  
32 ~~the overdraft of the groundwater basin continues to be reduced.~~

33 ~~(d) Water, or the right to the use of water, the use of which has~~  
34 ~~ceased or been reduced as the result of conjunctive use of surface~~  
35 ~~water and groundwater involving substitution of an alternate~~  
36 ~~supply, as described in subdivisions (b) and (c), may be sold,~~  
37 ~~leased, exchanged, or otherwise transferred pursuant to any~~  
38 ~~provision of law relating to the transfer of water or water rights,~~  
39 ~~including, but not limited to, provisions of law governing any~~



1 ~~change in point of diversion, place of use, and purpose of use due~~  
2 ~~to the transfer.~~

3 ~~(e) As used in this section, “substitution of an alternate supply”~~  
4 ~~means replacement of water diverted under an appropriative right~~  
5 ~~by the substitution of an equivalent amount of groundwater.~~

6 ~~(f) This section does not apply to the Santa Ana River~~  
7 ~~watershed.~~

8 ~~(g) This section does not apply in any area where groundwater~~  
9 ~~pumping causes, or threatens to cause, a violation of water quality~~  
10 ~~objectives or an unreasonable effect on beneficial uses established~~  
11 ~~in a water quality control plan adopted or approved by the state~~  
12 ~~board pursuant to, and to the extent authorized by, Section 13170~~  
13 ~~or 13245, which designates areas where groundwater pumping~~  
14 ~~causes, or threatens to cause, a violation of water quality objectives~~  
15 ~~or an unreasonable effect on beneficial uses.~~

16 ~~(h) This section shall not be construed to increase or decrease~~  
17 ~~the jurisdiction of the state board over groundwater resources, or~~  
18 ~~to confer on the state board jurisdiction over groundwater basins~~  
19 ~~over which it does not have jurisdiction pursuant to other~~  
20 ~~provisions of law.~~

21 ~~(i) This section shall become operative on January 1, 2007.~~

22 ~~SEC. 4.—~~

23 ~~(f) For the purposes of this section, “Eastern San Joaquin~~  
24 ~~Groundwater Basin” means the Eastern San Joaquin County~~  
25 ~~Basin described on pages 38 and 39 of the Department of Water~~  
26 ~~Resources’ Bulletin No. 118-80.~~

27 ~~SEC. 3. Section 1011.5 of the Water Code as added by Section~~  
28 ~~1 of Chapter 779 of the Statutes of 1992, is amended to read:~~

29 1011.5. (a) The Legislature hereby finds and declares that the  
30 growing water needs of the state require the use of water in an  
31 efficient manner and that the efficient use of water requires  
32 certainty in the definition of property rights to the use of water. The  
33 Legislature further declares that it is the policy of this state to  
34 encourage conjunctive use of surface water and groundwater  
35 supplies and to make surface water available for other beneficial  
36 uses. The Legislature recognizes that the substantial investments  
37 that may be necessary to implement and maintain a conjunctive use  
38 program require certainty in the continued right to the use of  
39 alternate water supplies.



1 (b) When any holder of an appropriative right fails to use all or  
2 any part of the water as a result of conjunctive use of surface water  
3 and groundwater involving the substitution of an alternate supply  
4 for the unused portion of the surface water, any cessation of, or  
5 reduction in, the use of the appropriated water shall be deemed  
6 equivalent to a reasonable and beneficial use of water to the extent  
7 of the cessation of, or reduction in, use, and to the same extent as  
8 the appropriated water was put to reasonable and beneficial use by  
9 that person. No forfeiture of the appropriative right to the water for  
10 which an alternate supply is substituted shall occur upon the lapse  
11 of the forfeiture period applicable to water appropriated pursuant  
12 to the Water Commission Act or this code or the forfeiture period  
13 applicable to water appropriated prior to December 19, 1914.

14 The state board may require any holder of an appropriative right  
15 who seeks the benefit of this section to file periodic reports  
16 describing the extent and amount of the reduction in water use due  
17 to substitution of an alternate supply. To the maximum extent  
18 possible, the reports shall be made a part of other reports required  
19 by the state board relating to the use of water. Failure to file the  
20 reports shall deprive the user of water of the benefits of this  
21 section.

22 (c) Substitution of an alternate supply may be made only if the  
23 extraction of the alternate supply conforms to all requirements  
24 imposed pursuant to an adjudication of the groundwater basin, if  
25 applicable, and meets one of the following conditions:

26 (1) Except as specified in paragraph (2), is from a groundwater  
27 basin for which the operating safe yield is not exceeded prior to the  
28 extraction of the alternate supply and does not cause the operating  
29 safe yield of the groundwater basin from which the alternate  
30 supply is obtained to be exceeded.

31 (2) Is from the Eastern San Joaquin County Basin, as described  
32 on pages 38 and 39 of the Department of Water Resources Bulletin  
33 No. 118-80, for which the operating safe yield is exceeded prior  
34 to the extraction of the alternative supply, if all of the following  
35 requirements are met:

36 (A) The conjunctive use program is operated in accordance  
37 with a local groundwater management program that complies with  
38 the requirements of this section.

39 (B) The groundwater management program establishes  
40 requirements for the extraction of groundwater and is approved by



1 a joint powers authority that meets the requirements of  
2 subparagraph (C).

3 (C) The joint powers authority includes ~~each water agency~~ *one*  
4 *or more of the water agencies* overlying the contemplated points  
5 of groundwater extraction and ~~each water agency~~ *one or more of*  
6 *the water agencies* that will share in the benefits to be derived from  
7 the local groundwater management program.

8 (D) By either of the following methods, the overdraft of the  
9 groundwater basin underlying the point of extraction has been  
10 reduced prior to the commencement of extraction:

11 (i) Elimination of a volume of existing groundwater  
12 extractions in excess of the proposed new extraction.

13 (ii) Recharge of the groundwater basin with a volume of water  
14 in excess of the proposed new extraction.

15 (E) The operation of that conjunctive use program ensures that  
16 the overdraft of the groundwater basin continues to be reduced.

17 (d) Water, or the right to the use of water, the use of which has  
18 ceased or been reduced as the result of conjunctive use of surface  
19 water and groundwater involving substitution of an alternate  
20 supply, as described in subdivisions (b) and (c), may be sold,  
21 leased, exchanged, or otherwise transferred pursuant to any  
22 provision of law relating to the transfer of water or water rights,  
23 including, but not limited to, provisions of law governing any  
24 change in point of diversion, place of use, and purpose of use due  
25 to the transfer.

26 (e) As used in this section, “substitution of an alternate supply”  
27 means replacement of water diverted under an appropriative right  
28 by the substitution of an equivalent amount of groundwater.

29 (f) This section does not apply to the Santa Ana River  
30 watershed.

31 (g) This section does not apply in any area where groundwater  
32 pumping causes, or threatens to cause, a violation of water quality  
33 objectives or an unreasonable effect on beneficial uses established  
34 in a water quality control plan adopted or approved by the state  
35 board pursuant to, and to the extent authorized by, Section 13170  
36 or 13245, which designates areas where groundwater pumping  
37 causes, or threatens to cause, a violation of water quality objectives  
38 or an unreasonable effect on beneficial uses.

39 (h) This section shall not be construed to increase or decrease  
40 the jurisdiction of the state board over groundwater resources, or



1 to confer on the state board jurisdiction over groundwater basins  
2 over which it does not have jurisdiction pursuant to other  
3 provisions of law.

4 ~~(i) This section shall remain in effect only until January 1,~~  
5 ~~2007, and as of that date is repealed, unless a later enacted statute,~~  
6 ~~which is enacted before January 1, 2007, deletes or extends that~~  
7 ~~date.~~

8 *SEC. 4. Section 1011.5 of the Water Code, as added by Section*  
9 *2 of Chapter 779 of the Statutes of 1992, is repealed.*

10 ~~1011.5. (a) The Legislature hereby finds and declares that the~~  
11 ~~growing water needs of the state require the use of water in an~~  
12 ~~efficient manner and that the efficient use of water requires~~  
13 ~~certainty in the definition of property rights to the use of water. The~~  
14 ~~Legislature further declares that it is the policy of this state to~~  
15 ~~encourage conjunctive use of surface water and groundwater~~  
16 ~~supplies and to make surface water available for other beneficial~~  
17 ~~uses. The Legislature recognizes that the substantial investments~~  
18 ~~that may be necessary to implement and maintain a conjunctive use~~  
19 ~~program require certainty in the continued right to the use of~~  
20 ~~alternate water supplies.~~

21 ~~(b) When any holder of an appropriative right fails to use all or~~  
22 ~~any part of the water as a result of conjunctive use of surface water~~  
23 ~~and groundwater involving the substitution of an alternate supply~~  
24 ~~for the unused portion of the surface water, any cessation of, or~~  
25 ~~reduction in, the use of the appropriated water shall be deemed~~  
26 ~~equivalent to a reasonable and beneficial use of water to the extent~~  
27 ~~of the cessation of, or reduction in, use, and to the same extent as~~  
28 ~~the appropriated water was put to reasonable and beneficial use by~~  
29 ~~that person. No forfeiture of the appropriative right to the water for~~  
30 ~~which an alternate supply is substituted shall occur upon the lapse~~  
31 ~~of the forfeiture period applicable to water appropriated pursuant~~  
32 ~~to the Water Commission Act or this code or the forfeiture period~~  
33 ~~applicable to water appropriated prior to December 19, 1914.~~

34 ~~The state board may require any holder of an appropriative right~~  
35 ~~who seeks the benefit of this section to file periodic reports~~  
36 ~~describing the extent and amount of the reduction in water use due~~  
37 ~~to substitution of an alternate supply. To the maximum extent~~  
38 ~~possible, the reports shall be made a part of other reports required~~  
39 ~~by the state board relating to the use of water. Failure to file the~~



1 ~~reports shall deprive the user of water of the benefits of this~~  
2 ~~section.~~

3 ~~(c) Substitution of an alternate supply may be made only if the~~  
4 ~~extraction of the alternate supply meets all of the following~~  
5 ~~conditions:~~

6 ~~(1) Is from a groundwater basin for which the operating safe~~  
7 ~~yield is not exceeded prior to the extraction of the alternate supply.~~

8 ~~(2) Does not cause the operating safe yield of the groundwater~~  
9 ~~basin from which the alternate supply is obtained to be exceeded.~~

10 ~~(3) Conforms to all requirements imposed pursuant to any~~  
11 ~~adjudication of the groundwater basin.~~

12 ~~(4) Is consistent with any applicable groundwater management~~  
13 ~~plan.~~

14 ~~(5) Is approved by the water supplier whose service area the~~  
15 ~~water is to be transferred from, if the groundwater basin has not~~  
16 ~~been adjudicated or if a groundwater management plan has not~~  
17 ~~been adopted.~~

18 ~~(d) Water, or the right to the use of water, the use of which has~~  
19 ~~ceased or been reduced as the result of conjunctive use of surface~~  
20 ~~water and groundwater involving substitution of an alternate~~  
21 ~~supply, as described in subdivisions (b) and (c), may be sold,~~  
22 ~~leased, exchanged, or otherwise transferred pursuant to any~~  
23 ~~provision of law relating to the transfer of water or water rights,~~  
24 ~~including, but not limited to, provisions of law governing any~~  
25 ~~change in point of diversion, place of use, and purpose of use due~~  
26 ~~to the transfer.~~

27 ~~(e) As used in this section, “substitution of an alternate supply”~~  
28 ~~means replacement of water diverted under an appropriative right~~  
29 ~~by the substitution of an equivalent amount of groundwater.~~

30 ~~(f) This section does not apply to the Santa Ana River~~  
31 ~~watershed.~~

32 ~~(g) This section does not apply in any area where groundwater~~  
33 ~~pumping causes, or threatens to cause, a violation of water quality~~  
34 ~~objectives or an unreasonable effect on beneficial uses established~~  
35 ~~in a water quality control plan adopted or approved by the state~~  
36 ~~board pursuant to, and to the extent authorized by, Section 13170~~  
37 ~~or 13245, which designates areas where groundwater pumping~~  
38 ~~causes, or threatens to cause, a violation of water quality objectives~~  
39 ~~or an unreasonable effect on beneficial uses.~~



1 ~~(h) This section shall not be construed to increase or decrease~~  
2 ~~the jurisdiction of the state board over groundwater resources, or~~  
3 ~~to confer on the state board jurisdiction over groundwater basins~~  
4 ~~over which it does not have jurisdiction pursuant to other~~  
5 ~~provisions of law.~~

6 ~~(i) This section shall become operative on January 1, 2007.~~

7 *SEC. 5. Section 1220 of the Water Code is amended to read:*

8 1220. (a) No groundwater shall be pumped for export from  
9 within the combined Sacramento and Delta-Central Sierra Basins,  
10 as defined in *the* Department of Water Resources' Bulletin 160-74,  
11 unless the pumping is in compliance with a groundwater  
12 management plan that is adopted by ordinance pursuant to  
13 subdivision (b) by the county board of supervisors, in full  
14 consultation with affected water districts, and that is subsequently  
15 approved by a vote in the counties or portions of counties that  
16 overlie the groundwater basin, except that water that has seeped  
17 into the underground from any reservoir, afterbay, or other facility  
18 of an export project may be returned to the water supply of the  
19 export project. For the purposes of this section, the county board  
20 of supervisors may designate a county water agency to act on its  
21 behalf if the directors of the county water agency are publicly  
22 elected and the county water agency encompasses the entire  
23 county. The county board of supervisors may revoke that  
24 designation by resolution at any time.

25 (b) Notwithstanding any other provision of law, a county board  
26 of supervisors whose county contains part of the combined  
27 Sacramento and Delta-Central Sierra Basins may adopt  
28 groundwater management plans to implement the purposes of this  
29 section.

30 (c) A county board of supervisors shall not exercise the powers  
31 authorized by this section within the boundaries of another local  
32 agency supplying water to that area without the prior agreement  
33 of the governing body of that other local agency.

34 (d) *This section does not apply to pumping for export from the*  
35 *Eastern San Joaquin County Groundwater Basin, as described on*  
36 *pages 38 and 39 of the Department of Water Resources' Bulletin*  
37 *No. 118-80, pursuant to a permit issued by San Joaquin County.*

38 *SEC. 6. The Legislature finds and declares that, because of the*  
39 *unique circumstances applicable only to the Eastern Water*  
40 *Alliance Joint Powers Agency, a statute of general applicability*



1 cannot be enacted within the meaning of subdivision (b) of Section  
2 16 of Article IV of the California Constitution. Therefore, this  
3 special statute is necessary.

4 ~~SEC. 5.—~~

5 *SEC. 7.* No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act, within the meaning of  
10 Section 17556 of the Government Code.

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